

REMARKS

In the instant application, the Examiner has objected to claim 18 because an extraneous numeral was placed at the beginning of line 4 of the claim. The Applicants have cancelled the claim and thank the Examiner for his suggestion. Claims 1-18 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,226,617 to Suzuki et al (Suzuki) in view of U.S. Patent No. 5,970,476 to Fahey (Fahey). Claims 1-18 have been cancelled and new claims 19-32 have been added. The Applicants submit that the instant application is now in condition for allowance.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Applicants' new claim 19 recites "(a) system for recycling raw materials from a plurality waste streams generated by waste stream providers, comprising:

a waste stream monitoring module operable for:

monitoring production of items produced by a plurality of waste stream providers; and

determining an amount of reusable raw materials contained in a plurality of waste streams resulting from said production;

a waste stream provider interface and communications link operable for

communicating production information from said plurality of waste stream providers to said waste stream monitoring module;

a reusable materials database in communication with said waste stream monitoring module, said reusable materials database operable for storing said amount of reusable raw materials contained in said plurality of waste streams;

wherein said reusable raw materials are available for purchase;

a purchase price associated with each of said reusable raw materials, said purchase price stored in said reusable materials database; and

a user access interface and communications link operable for enabling a user to view said reusable raw materials, said user access interface in communication with said reusable materials database."

Neither Suzuki nor Fahey, alone or in combination, teach or suggest a monitoring module for monitoring production of items produced by a plurality of waste stream providers and determining an amount of reusable raw materials contained in the waste streams as a result of the production. Nor do Suzuki and/or Fahey teach or recite a waste stream provider interface and communication link for communicating production information from the waste stream providers to the waste stream monitoring module.

Rather, Suzuki teaches a treatment processing system including a reading means, a storage means, a treatment procedure decision means, and an output means (col. 7, lines 1-15). The reading means receives component part information and properties about the article of manufacture to be treated (col. 7, lines 1-15; col. 7, lines 41-42). The component part information and properties comprising the article of manufacture include "materials/substances, harmful materials/substances, hazardous materials/substances and valuable things..." (Col. 3, lines 45-50). The reading means also reads treatment procedures identified for the article of manufacture such as a separating procedure (col. 2, lines 15-22; col. 7, lines 1-15) and dimension information for the article (col. 8, lines 49-54). The storage means stores information concerning the factory facilities performing

the treatment and its capabilities (col. 7, lines 1-22; col. 8, lines 41-44)). The treatment procedure decision means decides on "a treatment procedure for the manufactured article of concern by referencing the information concerning the treatment of the manufactured article as contained in the database stored in the ...storage means 3 on the basis of the information affixed to the manufactured article..." (Col. 7, lines 1-15).

Suzuki does not teach a waste stream monitoring module for monitoring production of items produced by a waste stream provider. The monitor recited in the Suzuki reference monitors the treatment processes performed on the bi-products of the articles of manufacture for the purpose of extracting a treatment procedure selected "in case it is decided that the above-mentioned treating situation suffers abnormality" in which case a second treating means for treating the manufactured article is selected (col. 4, lines 31-49).

Moreover, neither Suzuki nor Fahey teach or recite a waste stream provider interface and communications link for communicating production information the waste stream providers to the waste stream monitoring module.

Further, Suzuki and Fahey, neither alone or in combination, teach or recite a reusable materials database in communication with the waste stream monitoring module, where the reusable materials database stores the amounts of reusable raw materials contained in the waste streams that are available for purchase. As indicated above, Suzuki recites a storage means that stores information concerning the factory facilities performing the treatment and its capabilities (col. 7, lines 1-22; col. 8, lines 41-44). The treatment procedure takes into consideration "the reuse of valuable things" so that "there can be provided less expensive treatment procedure, whereby effective treatment can be realized" (col 13, lines 57-60). When read in context, the storage means recited in Suzuki purports to provide information concerning different treatments and factory capabilities for performing treatments in order to identify a preferred treatment type for a specific type of article of manufacture. Nothing in Suzuki indicates storing an *amount of*

reusable raw materials available for purchase (emphasis added). Additionally, the market database recited in Suzuki recites storing "the price of the valuable things" (col. 16, lines 8-10). Again, if taken in context, the market database recited in Suzuki stores current market prices for valuable things which denotes an economic value assigned to the valuable things determined by the current marketplace. The current market value of an item does not equate with a purchase price. Also, without knowing the amount of available reusable raw materials, this value would not result in the pricing structure recited in the Applicants' invention (i.e., the amount of reusable raw materials available for purchase and an assigned purchase price).

Thus, neither Suzuki nor Fahey teach or recite a purchase price associated with reusable raw materials or a user access interface and communications link for enabling a user to view the raw materials stored in the reusable materials database. The reusable raw materials database stores available raw materials received from a plurality of waste stream providers. Fahey recites a storage means. However, unlike the reusable materials database of the instant application, the database management system of Fahey recites a storage means implementable by a single enterprise on an enterprise-wide basis (col. 3, lines 17-28; FIGs. 1A-1B).

As submitted above, Suzuki and Fahey, neither alone nor in combination, teach each of the elements of Applicants' new claim 19. Furthermore, there is no motivation to combine these cited art references. Fahey teaches a database management system that includes a data warehouse for storing and retrieving *enterprise-wide* activity based data related to a product family (emphasis added) (col. 1, lines 7-11). The cited reference is limited to applications directed to a single enterprise. Contrary to Fahey, the Applicants' invention is directed to matching purchasers (i.e., multiple enterprises) of reusable raw materials to waste stream providers (i.e., multiple enterprises) that generate these reusable raw materials as a bi-product of manufacturing. Thus, combining Suzuki with Fahey

would not produce the results disclosed in the instant application. The Applicants' submit that new claim 19 is now in condition for allowance. Reconsideration of the outstanding rejection is respectfully requested.

Regarding new claims 20 and 27, neither Suzuki nor Fahey recite a waste purchasing module for receiving a purchase request from the user via the user access interface and communications link, selecting a suitable waste stream provider based upon the purchase request, and issuing a purchase order to the suitable waste stream provider for fulfilling the purchase request. Applicant's invention matches buyers of reusable raw materials (i.e., user) to producers of waste streams (i.e., waste stream providers). Suzuki recites a market information database that stores information concerning purchase prices of valuable things, information concerning demand for valuable things, and charging prices for treatment of harmful materials/substances (FIG. 6). The market information database in Suzuki contains market prices for valuable things that are used to determine whether a treatment procedure will be used in light of the costs of performing the treatment (e.g., a cost/benefit analysis) (col. 12, lines 32-65). The nature and use of the market pricing information, therefore, is not equivalent to the nature and use of the pricing information in the instant application. The market pricing data in Suzuki and retail pricing in the instant application are not equivalent. For these reasons, and for the reasons stated above with respect to claim 19, the Applicants submit that new claims 20 and 27 are in condition for allowance. Reconsideration is respectfully requested.

New claims 22-25 depend from what is now an allowable claim 19. For at least this reason, Applicants submit that claims 22-25 are in condition for allowance.

Applicants new claim 26 recites "(a) method for recycling raw materials from a plurality of streams generated by waste stream providers, comprising:

monitoring production of items produced by a plurality of waste stream providers and determining an amount of reusable raw materials contained in a plurality of waste

streams resulting from said production via a waste stream monitoring module;

communicating production information from said plurality of waste stream providers to said waste stream monitoring module via a waste stream provider interface and communications link;

storing said amount of reusable raw materials contained in said plurality of waste streams in a reusable materials database, said reusable materials database in communication with said waste stream monitoring module;

wherein said reusable raw materials are available for purchase;

associating a purchase price with each of said reusable raw materials, said purchase price stored in said reusable materials database; and

viewing said reusable raw materials via a user access interface and communications link, said user access interface in communication with said reusable materials database." For at least the reasons indicated above with respect to claim 19, the Applicants submit that new claim 26 is now in condition for allowance.

Claims 27-32 depend from what should now be an allowable claim 26. For at least these reasons, Applicants submit that new claims 27-32 are in condition for allowance.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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